



*State of New Jersey*  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CRIMINAL JUSTICE

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KATHRYN FLICKER  
*Director*

**TO: ALL COUNTY PROSECUTORS  
COL. CARSON J. DUNBAR, JR., SUPERINTENDENT, NJSP**

**FROM; KATHRYN FLICKER, DIRECTOR  
DIVISION OF CRIMINAL JUSTICE**

**DATE: November 6, 2000**

**SUBJECT: ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE -  
2000-1 SHOOTING DIRECTIVE - REVISED NOVEMBER 2000**

The attached **Revised** Directive No. 2000-1, dated November 3, 2000, replaces Directive No. 2000-1 dated August 4, 2000.

Paragraph Nos. 6 and 8 have been revised and are self-explanatory.

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Attachment

c Attorney General John J. Farmer  
First Assistant Paul H. Zoubek  
Administrator Thomas O'Reilly  
Director of State Police Affairs Martin Cronin  
Chief of Staff Debra L. Stone  
Chief State Investigator John A. Cocklin  
Deputy Director Wayne S. Fisher, Ph.D.  
Deputy Director Anthony J. Zarrillo, Jr.  
Chief Greta Gooden Brown, Pros. & Police Bureau



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**ATTORNEY GENERAL LAW ENFORCEMENT  
DIRECTIVE NO. 2000-1**

**Revised November 2000**

**WHEREAS**, it is decidedly in the public interest that the entire law enforcement community should use only clearly acceptable force; and

**WHEREAS**, it is appropriate to ensure and enhance public confidence in the manner in which the use of deadly force by law enforcement is reviewed to assure adequate justification for the use of such force; and

**WHEREAS**, the Criminal Justice Act of 1970, N.J.S.A. 52:17b-98, states that it is the public policy of this State:

to provide for the general supervision of criminal justice by the Attorney General as chief law enforcement officer of the State, in order to secure the benefits of a uniform and efficient enforcement of the criminal law and the administration of criminal justice throughout the State; and

**WHEREAS**, in order to promote statewide uniformity and accountability, it is appropriate for the Attorney General, in cooperation and consultation with the County Prosecutors, to issue and enforce procedures for review of the use of force by law enforcement officers statewide;

**NOW, THEREFORE**, I, John J. Farmer, Jr., Attorney General of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, do hereby direct that:

1. The Division of Criminal Justice, Operations Bureau, must be notified within twenty-four (24) hours, in a manner prescribed by the Division, **of any use of force by a law enforcement officer involving death or serious bodily injury or where any injury results from the use of a firearm by a law enforcement officer.**

2. When a law enforcement officer employed by a municipal or county agency is involved in the use of force as defined in Paragraph 1, the County Prosecutor's Office in the county of occurrence will conduct the investigation. The Division of Criminal Justice may supersede in the investigation when there is a conflict or if the matter would be better handled at a state level. In the event that the Division of Criminal Justice supersedes, a shooting response team consisting of Division of Criminal Justice investigators and members of the Major Crimes Unit of the Division of State Police under the direction of a Deputy Attorney General, shall conduct the investigation. The shooting response team will report directly to the Deputy Director of the Operations Bureau.

3. When a Prosecutor's Detective or Investigator, Assistant Prosecutor, or Prosecutor is involved in the use of force as defined in Paragraph 1, the Division of Criminal Justice will conduct the investigation as described in Paragraph 2.

4. When a State Investigator, Deputy Attorney General or Assistant Attorney General employed by the Division of Criminal Justice or any other law enforcement officer employed by a State or federal agency is involved in the use of force as defined in Paragraph 1, the County Prosecutor's Office in the county of occurrence will conduct the investigation, unless otherwise directed by the Attorney General.

5. When a member of the State Police or any agency supervised by the State Police is involved in the use of force as defined in Paragraph 1, the State Police shall immediately notify the Division of Criminal Justice. The Division will have the discretion to conduct the investigation with the shooting response team described in Paragraph 2 or to refer the matter to the appropriate County Prosecutor to conduct the investigation with the assistance of the shooting response team described in Paragraph 2. The shooting response team and the assigned Deputy Attorney General or Assistant Prosecutor shall report directly to the Division of Criminal Justice, Operations Bureau.

6. Where the undisputed facts indicate that the use of force was justifiable under the law, a grand jury investigation and/or review will not be required, subject to review by the Division of Criminal Justice, except under Paragraph 4 where the final decision will be made by the Attorney General. In all other circumstances,

the matter must be presented to a grand jury.

7. The Division of Criminal Justice, Operations Bureau, must be informed of the outcome of all investigations into use of force as defined in Paragraph 1 by law enforcement officers immediately after the conclusion of the investigation by the County Prosecutor and prior to the Prosecutor announcing the findings of the grand jury. The Division of Criminal Justice, Operations Bureau, will review all such investigations to ensure compliance with all applicable law, directives and policies.

8. While not specifically permitted under case law or court rule, in some counties grand juries have been permitted to issue "reports" of their findings. The Administrative Director of the Courts and the Attorney General agree that such "reports" are not authorized by law and that their issuance should cease. Henceforth no "reports" are to issue from grand juries. Prosecutors may, when approved by the Director of the Division of Criminal Justice, issue reports and recommendations based upon specific issues or cases. In no event shall such reports be based on grand jury material unless approved by the assignment judge.

9. This Directive shall take effect immediately.



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John J. Farmer, Jr.  
Attorney General

ATTEST:



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Kathryn Flicker  
Director, Division of Criminal Justice

Dated: November 3, 2000